

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.622(b))

Table of Allotments)

Digital Television Broadcast Stations)

(Ontario, California))

DOCKET FILE COPY ORIGINAL

MM Docket No. 01-23

RM-9960

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR EXTENSION OF TIME

Loma Linda Broadcasting Network, Inc. ("LLBN"), by counsel, hereby requests that the deadline for filing comments in the above-captioned rulemaking proceeding be extended for one day until March 27, 2001. In support whereof, the following is respectfully shown.

In its *Notice of Proposed Rulemaking* ("NPRM"), DA 01-182, released January 31, 2001, in the above-captioned proceeding, the FCC established March 26, 2001 as the deadline for filing comments in response to the described proposal to amend the Digital Television Table of Allotments so as substitute DTV Channel 29 in lieu of DTV Channel 47 at Ontario, California. LLBN took note of this NPRM because it has an application pending for a new LPTV station at Banning, California on Channel 29. Adoption of the proposed amendment and operation of a full-service station on Channel 29 at Ontario would displace LLBN's LPTV application. No other channel is available for LLBN's proposed LPTV station. For this reason, LLBN opposes the proposed amendment to the DTV Table of Allotments, and wants to submit comments in this proceeding to assert its opposition.

In furtherance of that effort, LLBN instructed its consulting engineer and attorney to prepare material for comments to be submitted. However, LLBN's counsel was traveling on business away from his Washington-area office during the week preceding the filing deadline. He returned to Washington on a plane that landed at Dulles Airport at approximately 8:30 p.m. on March 26. He had received earlier in the day via email the consulting engineer's statement to be associated with the filing. He planned to go directly to his office to finalize LLBN's Comments, attach the Engineering Statement, and then to submit the pleading electronically prior to the midnight filing deadline.

When the undersigned counsel attempted to submit LLBN's Comments electronically, the FCC's ECFS advised him that the proceeding identified — Docket 01-23 — "is not available for filing in ECFS." Attached is a copy of the print-out from this screen, indicating the message as received from the ECFS. The intended cover sheet prepared to accompany this prospective electronic filing is also attached. Repeated attempts to upload the pleading were unsuccessful. LLBN is unable to discern any reason why this docket should not have been available for filing comments electronically at any time on March 26. Consequently, LLBN was not able to submit its Comments by the due date.

Because of this apparent operational error in the Commission's ECFS, LLBN was unfairly prevented from being able to timely file its Comments. LLBN therefore respectfully requests that it be permitted to file its Comments on the next business day. Those Comments are being filed simultaneously with this Petition. Extension of the filing deadline for this purpose will serve the public interest because it will allow for the full consideration by the FCC of important issues bearing on the proposal. Reply comments are not due in this proceeding until April 10. This one-

day extension of time for LLBN should not prejudice any party who might wish to respond to LLBN's Comments. There remains adequate time to review LLBN's Comments and to formulate a response before the April 10 deadline.

For the foregoing reasons, LLBN respectfully urges the Commission to give it leave to file its Comments in this proceeding on March 27, 2001 (one day past the announced filing deadline) and to give those Comments full consideration as if timely filed.

Respectfully submitted,

LOMA LINDA BROADCASTING NETWORK

By: 
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Its Attorney

March 27, 2001



Federal Communications Commission

Application Error(s)

The Proceeding entered in field 1 is not available for filing in ECFS.

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Federal Communications Commission

Electronic Comment File Submission

Sending your comment is a 2-step process. The first step is to complete and send the coversheet below. After you send the coversheet you'll need to choose one of the two transmittal methods: sending a file, or sending a short message that you type directly on this page.

Cover Sheet

1. Proceeding (required) 01-23		
2. Mail Correspondence To: (required) <input type="radio"/> Name <input type="radio"/> Law Firm <input checked="" type="radio"/> Attorney		
3. Name of Applicant/Petitioner (required) Loma Linda Broadcasting Network, Inc.		
4. Law Firm Name (optional) Donald E. Martin, P.C.		
5. Attorney Name (optional) Donald Martin		
6. Email-Id (optional) dempc@prodigy.net		
7. Mailing Address For Correspondence (required) 6060 Hardwick Place		
8. City (required) Falls Church	9. State (required) VA: VIRGINIA	10. Zip Code (required) 22041 -
11. Ex-Parte/Late Filed <input type="checkbox"/> (optional)	12. Document Type (required) COMMENT	
<input type="button" value="Send Cover Sheet to the FCC"/>		

Send Comment Files to FCC (Attachments)

<input type="button" value="Send Attached File"/>	<input type="button" value="Clear File Info"/>
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CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 27th day of March, 2001, that I have caused a copy of the foregoing document to be served by United States mail with first class postage prepaid upon the following:

Jacqueline P. Cleary, Esquire
Sumeet Seam, Esquire
Hogan & Hartson, LLP
555 13th Street, N.W.
Washington, D.C. 20004

A handwritten signature in cursive script, reading "Donald E. Martin", written in black ink. The signature is positioned above a horizontal line.

Donald E. Martin